REMARKS

Claims 1-57 are pending. Applicant seeks to cancel claim 57 and to amend claims 1, 2, 33, 35, 36, and 54. Applicant notes that claim 57 will be pursued in related U.S. Application No. 10/015,502. The offered amendments are to clarify various typographical errors, and place the case in condition for allowance. Alternatively, the offered amendments present the rejected claims in better form for consideration on appeal. Therefore, it is appropriate that the Examiner enter all the offered amendments into the case at this time. Rule 116(a); MPEP 714.12, 714.13. Reconsideration of this application, and allowance of all pending claims is respectfully requested.

Request for Reconsideration of Finality

As a preliminary matter, the Examiner has made this office action is final. The Applicant respectfully requests that the Examiner reconsider the finality of the office action, for at least the following reasons.

The Applicant respectfully submits that not all claim limitations have been addressed by the Examiner. For example, independent claim 54 (as originally filed) defines a method for facilitating communication between server and client programs, the method comprising: "reading a WSDL file associated with a first SOAP interface to at least one server program; and generating … a second SOAP interface corresponding to the first SOAP interface … ." Currently, there is no citation to any art of record that discloses or suggests the "reading a WSDL file associated with a first SOAP interface." It seems that the Examiner inadvertently grouped independent claim 54 with other claims that do not recite a "reading" limitation. The same applies to limitations of claim 55. In any case, the Applicant believes that this reason alone is sufficient to re-open prosecution on the merits, so that the Applicant is given full benefit of the examination process.

In addition, MPEP § 706.07(a) states that second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is not necessitated by an Applicant's amendment of the claims. In this particular case, the Examiner's first office action relied on U.S. Patent Application Publication No. 2002/0026473 (Gourraud) as disclosing the ability to "generate" a second interface. In response, the Applicant argued that Gourraud failed to disclose that limitation. In the second office action, the Examiner addressed

the Applicant's argument by changing reliance from Gourraud to U.S. Patent Application Publication No. 2002/0161826 (Arteaga) as disclosing the ability to "generate" a second interface. Although both references were of record, the motivation to combine Gourraud and Arteaga to obtain this particular claimed invention seems to be missing. Likewise, the requisite motivation to combine the references to obtain any of the Applicant's specific dependent claims also seems to be missing. The Examiner generally refers to the motivation to combine as being "to provide a practical way for user communication devices to carry our real-time transactions and communications and processing such transactions with a remote source such as an enterprise network server." However, the Applicant notes that both Gourraud and Arteaga are each in their own right already able to individually achieve such functionality, and do not need each other to do so. In short, the Applicant respectfully submits that there is no motivation to combine references if each reference already has the capability stated as the motivation. In this case, each of Gourraud and Arteaga is already able to carry out real-time transactions and communications, and to process transactions with a remote source such as an enterprise network server. Thus, using such functionality as a motivation to combine seems improper, and based at least to some extent on hindsight reasoning.

MPEP § 706.07 states that the "applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application." In the spirit reflected here, as well as in Rule 116(a) and MPEP §§ 714.12, 714.13, the Applicant kindly requests the Examiner to withdraw finality, and fully consider this response.

Deficiencies of Gourraud and Arteaga

Claims 1-57 were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Gourraud and in view of Arteaga.

This Applicant traverses this rejection.

Each of the Applicant's claims 1-56 defines a traffic manager/method/computer readable medium for facilitating communication between a plurality of nodes in a distributed computing environment (such as between a client and a server). Each claim recites "generating" (or the ability to "generate") one or more second (or intermediate) interfaces according to at least one

policy. In the previous office action response, the Applicant explained that Gourraud fails to disclose or suggest this limitation. However, the Examiner's subsequent office action relies on Arteaga as disclosing that limitation. In effort to address all of the Examiner's concerns and move this case to allowance, the Applicant herein discusses substantial deficiencies of both Gourraud and Arteaga (as well as their combination), and respectfully requests the Examiner to reconsider and withdraw this rejection of all pending claims.

Gourraud discloses an application programming interface (API) based telecommunication system. The system includes a call server, a service manager, an application, and an API. (e.g., see figures 3 and 4). The call server is for obtaining criteria corresponding to at least one trigger from a user profile database and, in response to occurrence of the criteria, sending the at least one trigger. The service manager receives the at least one trigger, and, in response to receipt of the at least one trigger, performs a service interaction management analysis in determining in what manner applications should be executed. The API is adapted to permit the call server, the service manager, and the application to communicate. The application is invoked in response to a communication from the service manager via the API. (e.g., see figures 3 and 4; paragraph #s 0040 through 0043). Significantly, Gourraud teaches that *the application* discovers what services and APIs "are supported by the network." (paragraph # 0055). Thus, there is no interface generation in Gourraud. Rather, Gourraud simply assumes that there is a set of available APIs that are adapted to permit the call server, the service manager, and the application to communicate.

Moreover, note that Gourraud further discloses that it is preferable that "the same APIs are used between the application 302 and the service manager 312 as between the application 302 and network entities, such as, for example, the call server interfaces 304 or 306." (paragraph # 0064). Using "the same APIs" is atypical of distributed computing environments, which typically require a number of different interfaces to effectively bridge different processing characteristics of each node. The Examiner has previously referred to paragraph # 0042 of Gourraud as showing interface generation. The Applicant has thoroughly reviewed all of Gourraud (including paragraph # 0042), and respectfully submits that one skilled in the art would not understand Gourraud to be disclosing interface generation as recited in the Applicant's

claims. Gourraud is just using preexisting and preconfigured interfaces (in particular, APIs) as is conventionally done.

Arteaga discloses techniques for conducting online and offline transactions on a wide variety of remote communication devices (e.g., handheld computers, PDAs, palmtops). Arteaga achieves this functionality by integrating "a resident web server and resident browser on the remote communication device. By enabling local communications between the resident server and resident browser, offline communications and real-time applications can occur when the device is not connected to a desired network. When a network connection is established, a transaction and associated data can be transmitted to the desired location on the network, such as an enterprise web server for further processing." (paragraph # 0007). Significantly, Arteaga teaches that "simple object access protocol (SOAP) provides a preferable transfer protocol to exchange data between a remote communication device and an enterprise network. In this regard, it is also an object of the present invention to permit data exchange in and out of an enterprise server through a combination of HTTP and SOAP transfer protocols." (paragraph # 0009). Thus, there is no interface generation in Arteaga. Rather, Arteaga is simply integrating a web server and browser into the remote communication device, so that direct communication both within the device and between the device and the enterprise web server is enabled using HTTP and SOAP protocols. While the use of a web server within a portable device may be new, HTTP and SOAP protocols are commonly used to communicate with web servers. Simply stated, Arteaga's integration of a web server into a remote device is not interface generation as recited in the Applicant' claims. The web server is a fixed component that communicates using well-established protocols. There is no need for interface generation. The Examiner refers to paragraph #s 0056 and 0157 of Arteaga as showing interface generation. The Applicant has thoroughly reviewed all of Arteaga (including paragraph #s 0056 and 0157), and respectfully submits that one skilled in the art would not understand Arteaga to be disclosing interface generation as recited in the Applicant's claims. Arteaga is just using traditional communication architectures and protocols (in particular, a web server, HTTP, and SOAP) as is conventionally done.

For at least these reasons, the Applicant respectfully submits that the claimed invention is patentably distinct from both Gourraud and Arteaga, as well as their combination.

The Applicant believes the above amendments and remarks to be fully responsive. Favorable action is solicited. The Applicant kindly invites the Examiner to contact the undersigned attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted
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